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SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 26, 2004

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Darrington, absent and formally excused by the Chair; and Senator Burkett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Colin Starry, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Burkett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 120

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND
REJECTING CERTAIN RULES OF THE DEPARTMENT OF
HEALTH AND WELFARE RELATING TO ELIGIBILITY FOR
MEDICAID FOR FAMILIES AND CHILDREN.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to eligibility for Medicaid for families and children are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.01, Sections 346, 347, 348 and 349, rules of the Department of Health and Welfare relating to eligibility for Medicaid for families and children, adopted as pending rules under Docket Number 16-0301-0302, be, and the same are hereby rejected and declared null, void and of no force and effect.

SCR 120 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 26, 2004

The JUDICIARY AND RULES Committee reports that S 1224, S 1225, S 1226, SCR 119 and SR 107 have been correctly printed.

DARRINGTON, Chairman

S 1224 was referred to the Transportation Committee.

S 1225 was referred to the Education Committee.

S 1226 was referred to the Commerce and Human Resources Committee.

SCR 119 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

SR 107 was referred to the Judiciary and Rules Committee.

January 23, 2004

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Alex Irby to the Idaho Fish and Game Commission, term to expire June 30, 2007;

Cameron Wheeler to the Idaho Fish and Game Commission, term to expire June 30, 2007.

NOH, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 23, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vernon Baker of St. Maries, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2003, and expiring July 1, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Carolyn Meline retained its place on the calendar for one legislative day.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Melville W. Fisher II was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Sorensen, seconded by Senator Stennett, the Gubernatorial appointment of Melville W. Fisher II as a member of the Idaho State Lottery Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 118** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Sorensen, seconded by Senator Stennett, **SCR 118** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1227**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO THE UNIFORM COMMERCIAL CODE; REPEALING CHAPTER 7, TITLE 28, IDAHO CODE, RELATING TO DOCUMENTS OF TITLE; AMENDING TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 28, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR RELATION OF THE CHAPTER TO TREATIES AND STATUTES, TO DEFINE NEGOTIABLE AND NONNEGOTIABLE DOCUMENTS OF TITLE, TO PROVIDE FOR REISSUANCE OF DOCUMENTS OF TITLE IN AN ALTERNATIVE MEDIUM, TO PROVIDE FOR THE CONTROL OF ELECTRONIC DOCUMENTS OF TITLE, TO SPECIFY WHICH PERSONS MAY ISSUE WAREHOUSE RECEIPTS, TO PROVIDE FOR STORAGE UNDER BOND, TO SET FORTH REQUIREMENTS FOR WAREHOUSE RECEIPTS, TO PROVIDE FOR LIABILITY FOR NONRECEIPT OR MISDESCRIPTION, TO SET FORTH A DUTY OF CARE, TO PROVIDE FOR CONTRACTUAL LIMITATION OF A WAREHOUSE'S LIABILITY, TO PROVIDE THAT TITLE UNDER A WAREHOUSE RECEIPT IS DEFEATED IN CERTAIN CASES, TO PROVIDE FOR TERMINATION OF STORAGE AT A WAREHOUSE'S OPTION, TO PROVIDE FOR THE SEPARATION OF GOODS, TO SET FORTH PROVISIONS FOR THE COMMINGLING OF CERTAIN GOODS, TO PROVIDE FOR OVERISSUE OF FUNGIBLE GOODS, TO PROVIDE FOR THE ENFORCEABILITY OR NONENFORCEABILITY OF WAREHOUSE RECEIPTS BASED UPON UNAUTHORIZED INSERTIONS OR ALTERATIONS, TO PROVIDE FOR WAREHOUSE LIENS, TO PROVIDE FOR ENFORCEMENT OF WAREHOUSE LIENS, TO PROVIDE FOR LIABILITY FOR NONRECEIPT OR MISDESCRIPTION, TO SET FORTH PROVISIONS APPLICABLE TO GOODS LOADED BY ISSUERS OF BILLS OF LADING AND CERTAIN BULK GOODS LOADED BY SHIPPERS, TO REMOVE LIABILITY FOR ISSUERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR CERTAIN SHIPPER GUARANTEES, TO PROVIDE FOR LIMITED INDEMNIFICATION OF ISSUERS, TO SET FORTH PROVISIONS APPLICABLE TO THROUGH BILLS OF LADING AND SIMILAR DOCUMENTS OF TITLE, TO PROVIDE FOR DIVERSION AND RECONSIGNMENT OF GOODS BASED UPON INSTRUCTIONS, TO SET FORTH PROVISIONS APPLICABLE TO TANGIBLE BILLS OF LADING, TO PROVIDE FOR DESTINATION BILLS, TO PROVIDE THAT BILLS OF LADING WITH UNAUTHORIZED ALTERATIONS OR INSERTS SHALL BE ENFORCEABLE ACCORDING TO THE ORIGINAL TENOR, TO PROVIDE FOR CARRIER LIENS, TO PROVIDE FOR THE ENFORCEMENT OF CARRIER LIENS, TO SET FORTH A DUTY OF CARE, TO PROVIDE FOR THE CONTRACTUAL LIMITATION OF A CARRIER'S LIABILITY, TO PROVIDE FOR THE IMPOSITION OF OBLIGATIONS APPLICABLE TO CERTAIN DOCUMENTS OF TITLE, TO SET FORTH PROVISIONS APPLICABLE TO DUPLICATE DOCUMENTS OF TITLE, TO PROVIDE FOR ISSUER LIABILITY, TO SET FORTH AN

OBLIGATION OF A BAILEE TO DELIVER EXCEPT UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE SATISFACTION OF BAILEE LIENS, TO PROVIDE THAT CERTAIN PERSONS SHALL SURRENDER POSSESSION OR CONTROL OF OUTSTANDING NEGOTIABLE DOCUMENTS, TO PROVIDE THAT BAILEES SHALL CANCEL A DOCUMENT OR INDICATE PARTIAL DELIVERY, TO PROVIDE THAT THERE IS NO LIABILITY FOR GOOD FAITH DELIVERY PURSUANT TO A DOCUMENT OF TITLE, TO SET FORTH RULES APPLICABLE TO SPECIFIED DOCUMENTS OF TITLE, TO PROVIDE FOR RIGHTS ACQUIRED BY DUE NEGOTIATION, TO PROVIDE THAT A DOCUMENT OF TITLE TO GOODS IS DEFEATED IN CERTAIN CASES, TO PROVIDE THAT CERTAIN RIGHTS ARE ACQUIRED IN THE ABSENCE OF DUE NEGOTIATION, TO PROVIDE THAT CERTAIN RIGHTS MAY BE DEFEATED, TO PROVIDE THAT THE DELIVERY OF GOODS MAY BE STOPPED SUBJECT TO DUE NOTIFICATION, TO PROVIDE FOR BAILEE INDEMNIFICATION, TO STATE THAT THE INDORSER IS NOT A GUARANTOR FOR OTHER PARTIES, TO PROVIDE THAT A TRANSFEREE HAS A RIGHT TO AN INDORSEMENT, TO PROVIDE THAT A TRANSFER BECOMES A NEGOTIATION ONLY UPON THE SUPPLYING OF THE INDORSEMENT, TO PROVIDE FOR WARRANTIES ON NEGOTIATION OR DELIVERY OF DOCUMENTS OF TITLE, TO PROVIDE FOR WARRANTIES OF A COLLECTING BANK, TO CITE PROVISIONS APPLICABLE TO DETERMINE ADEQUATE COMPLIANCE WITH COMMERCIAL CONTRACTS, TO PROVIDE FOR LOST, STOLEN OR DESTROYED DOCUMENTS OF TITLE, TO PROVIDE FOR THE ATTACHMENT OF LIENS BY JUDICIAL PROCESS IN CERTAIN CASES, TO PROVIDE THAT A BAILEE IS COMPELLED TO DELIVER GOODS ONLY UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A PURCHASER TAKES A DOCUMENT OF VALUE FREE OF A LIEN IF THE PURCHASER DOES NOT HAVE NOTICE OF THE PROCESS OR INJUNCTION, TO PROVIDE FOR CONFLICTING CLAIMS, TO PROVIDE THAT THE BAILEE MAY ASSERT AN INTERPLEADER, TO PROVIDE AN EFFECTIVE DATE, TO REPEAL SPECIFIED SECTIONS OF CODE, TO PROVIDE FOR APPLICABILITY AND TO SET FORTH A SAVINGS CLAUSE; AMENDING SECTION 28-1-201, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 28-2-103, IDAHO CODE, TO PROVIDE A CODE REFERENCE FOR "CONTROL"; AMENDING SECTION 28-2-104, IDAHO CODE, TO PROVIDE A REFERENCE TO DOCUMENTS OF TITLE ACCOMPANYING OR ASSOCIATED WITH A DRAFT; AMENDING SECTION 28-2-310, IDAHO CODE, TO SPECIFY WHEN PAYMENT IS DUE FOR AUTHORIZED DELIVERIES; AMENDING SECTION 28-2-323, IDAHO CODE, TO PROVIDE A REFERENCE TO TANGIBLE BILLS OF LADING AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-2-401, IDAHO CODE, TO PROVIDE A REFERENCE TO TANGIBLE DOCUMENTS OF TITLE, TO STATE THAT TITLE PASSES WHEN THE SELLER DELIVERS THE DOCUMENT IF THE SELLER IS TO DELIVER AN ELECTRONIC DOCUMENT OF TITLE, TO PROVIDE CLARIFYING LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-2-503, IDAHO CODE, TO REVISE TERMINOLOGY, TO CITE AS AN EXCEPTION PROCEDURES SET FORTH IN CHAPTER 9, TITLE 28,

IDAHO CODE, AND TO STATE THAT DISHONOR OF A DRAFT ACCOMPANYING OR ASSOCIATED WITH DOCUMENTS CONSTITUTES NONACCEPTANCE OR REJECTION; AMENDING SECTION 28-2-505, IDAHO CODE, TO REFERENCE A SELLER'S POSSESSION OR CONTROL OF A BILL OF LADING AND TO PROVIDE CLARIFYING LANGUAGE; AMENDING SECTION 28-2-506, IDAHO CODE, TO REMOVE TERMINOLOGY RELATING TO A DOCUMENT THAT APPEARS REGULAR ON ITS FACE; AMENDING SECTION 28-2-509, IDAHO CODE, TO REFERENCE A BUYER'S POSSESSION OR CONTROL OF DOCUMENTS OF TITLE AND TO REFERENCE DIRECTIONS TO DELIVER AS SET FORTH IN A RECORD; AMENDING SECTION 28-2-605, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 28-2-705, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REFERENCE THE SURRENDER OF POSSESSION OR CONTROL OF A NEGOTIABLE DOCUMENT; AMENDING SECTION 28-12-103, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-12-514, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 28-12-526, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 28-4-104, IDAHO CODE, TO PROVIDE A CODE REFERENCE FOR "CONTROL" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-4-210, IDAHO CODE, TO REFERENCE THE POSSESSION OR CONTROL OF ACCOMPANYING DOCUMENTS; AMENDING SECTION 28-8-103, IDAHO CODE, TO PROVIDE THAT A DOCUMENT OF TITLE IS A FINANCIAL ASSET ONLY IF CERTAIN CONDITIONS APPLY; AMENDING SECTION 28-9-102, IDAHO CODE, TO CORRECT A CODE CITATION AND TO PROVIDE CODE REFERENCES FOR "CONTROL" AND "ISSUER WITH RESPECT TO DOCUMENTS OF TITLE"; AMENDING SECTION 28-9-203, IDAHO CODE, TO PROVIDE A REFERENCE TO ELECTRONIC DOCUMENTS AND TO PROVIDE A CODE CITATION; AMENDING SECTION 28-9-207, IDAHO CODE, TO PROVIDE A CODE CITATION; AMENDING SECTION 28-9-208, IDAHO CODE, TO SET FORTH REQUIREMENTS APPLICABLE TO SECURED PARTIES HAVING CONTROL OF ELECTRONIC DOCUMENTS; AMENDING SECTION 28-9-301, IDAHO CODE, TO PROVIDE A REFERENCE TO TANGIBLE NEGOTIABLE DOCUMENTS; AMENDING SECTION 28-9-310, IDAHO CODE, TO PROVIDE REFERENCE TO CERTAIN SECURITY INTERESTS THAT ARE PERFECTED WITHOUT FILING, CONTROL OR POSSESSION AND TO PROVIDE A REFERENCE TO SECURITY INTERESTS IN ELECTRONIC DOCUMENTS; AMENDING SECTION 28-9-312, IDAHO CODE, TO PROVIDE FOR THE PERFECTION OF CERTAIN SECURITY INTERESTS WITHOUT THE TAKING OF POSSESSION OR CONTROL FOR A STATED PERIOD OF TIME; AMENDING SECTION 28-9-313, IDAHO CODE, TO PROVIDE A REFERENCE TO TANGIBLE NEGOTIABLE INSTRUMENTS; AMENDING SECTION 28-9-314, IDAHO CODE, TO PROVIDE FOR THE PERFECTION OF SECURITY INTERESTS IN ELECTRONIC DOCUMENTS AND TO PROVIDE A CODE CITATION; AMENDING SECTION 28-9-317, IDAHO CODE, TO PROVIDE REFERENCES TO TANGIBLE AND ELECTRONIC DOCUMENTS; AMENDING SECTION 28-9-338, IDAHO CODE, TO PROVIDE REFERENCES TO TANGIBLE

CHattel PAPER AND TANGIBLE DOCUMENTS; AMENDING SECTION 28-9-601, IDAHO CODE, TO PROVIDE A CODE CITATION; REPEALING SECTION 28-10-104, IDAHO CODE; AMENDING SECTION 22-5111, IDAHO CODE, TO DELETE CODE REFERENCES; AND AMENDING SECTION 28-50-116, IDAHO CODE, TO DELETE REFERENCE TO WAREHOUSE RECEIPTS AND BILLS OF LADING.

S 1228

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE UNIFORM COMMERCIAL CODE; AMENDING THE HEADING FOR PART 1, CHAPTER 1, TITLE 28, IDAHO CODE; AMENDING SECTION 28-1-101, IDAHO CODE, TO REVISE TERMINOLOGY, TO REMOVE A REFERENCE TO CODIFICATION AND TO PROVIDE FOR A CHAPTER TITLE CITATION; AMENDING PART 1, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-102, IDAHO CODE, TO PROVIDE FOR APPLICATION OF THE CHAPTER; REPEALING SECTION 28-1-103, IDAHO CODE, RELATING TO SUPPLEMENTARY GENERAL PRINCIPLES OF LAW; AMENDING SECTION 28-1-102, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR CONSTRUCTION OF THE UNIFORM COMMERCIAL CODE, TO PROVIDE A REFERENCE TO THE UNIFORM COMMERCIAL CODE, TO REVISE PURPOSES AND POLICIES, TO MAKE PUNCTUATION CHANGES, TO REMOVE LANGUAGE PROVIDING FOR VARIATION BY AGREEMENT, TO REMOVE LANGUAGE PROVIDING FOR NUMERICAL AND GENDER INTERPRETATION, TO PROVIDE FOR THE APPLICABILITY OF SUPPLEMENTAL PRINCIPLES OF LAW AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-1-104, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE AND TO PROVIDE A REFERENCE TO THE UNIFORM COMMERCIAL CODE; AMENDING SECTION 28-1-108, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE REFERENCES TO THE UNIFORM COMMERCIAL CODE AND TO MAKE GRAMMATICAL CHANGES; AMENDING PART 1, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-106, IDAHO CODE, TO PROVIDE FOR NUMERICAL AND GENDER INTERPRETATION; AMENDING PART 1, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-107, IDAHO CODE, TO PROVIDE THAT SECTION CAPTIONS ARE PART OF THE UNIFORM COMMERCIAL CODE; AMENDING PART 1, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-108, IDAHO CODE, TO SET FORTH THE RELATION OF THE UNIFORM COMMERCIAL CODE TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT; AMENDING SECTION 28-1-201, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING PART 2, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-202, IDAHO CODE, TO PROVIDE FOR "NOTICE" AND "KNOWLEDGE"; AMENDING PART 2, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-203, IDAHO CODE, TO SET FORTH THE DISTINCTION BETWEEN A LEASE AND A SECURITY INTEREST; AMENDING PART 2,

CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-204, IDAHO CODE, TO DEFINE WHEN A PERSON GIVES "VALUE"; AMENDING SECTION 28-1-204, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE LANGUAGE PROVIDING FOR AGREEMENTS FIXING REASONABLE TIMES FOR ACTIONS, TO REVISE LANGUAGE RELATING TO WHETHER A TIME IS REASONABLE AND TO MAKE GRAMMATICAL CHANGES; REPEALING SECTION 28-1-206, IDAHO CODE, RELATING TO THE STATUTE OF FRAUDS; AMENDING PART 2, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-206, IDAHO CODE, TO PROVIDE FOR PRESUMPTIONS; AMENDING CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW HEADING FOR PART 3, CHAPTER 1, TITLE 28, IDAHO CODE, TO PROVIDE FOR TERRITORIAL APPLICABILITY AND GENERAL RULES; AMENDING SECTION 28-1-105, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE REFERENCES TO THE UNIFORM COMMERCIAL CODE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING PART 3, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-302, IDAHO CODE, TO PROVIDE FOR VARIATION OF UNIFORM COMMERCIAL CODE PROVISIONS BY AGREEMENT; AMENDING SECTION 28-1-205, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DEFINE "COURSE OF PERFORMANCE," TO REVISE PROVISIONS RELATING TO "COURSE OF DEALING" AND "USAGE OF TRADE" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-1-203, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE A REFERENCE TO THE UNIFORM COMMERCIAL CODE AND TO PROVIDE FOR AN OBLIGATION OF GOOD FAITH IN PERFORMANCE AND ENFORCEMENT; AMENDING SECTION 28-1-106, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE REFERENCES TO THE UNIFORM COMMERCIAL CODE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-1-107, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE LANGUAGE RELATING TO A WAIVER OR RENUNCIATION OF A CLAIM OR RIGHT FOLLOWING AN ALLEGED BREACH; AMENDING SECTION 28-1-202, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 28-1-207, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE GRAMMATICAL AND TECHNICAL CHANGES; AMENDING SECTION 28-1-208, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE GRAMMATICAL CHANGES; AMENDING PART 3, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-310, IDAHO CODE, TO PROVIDE FOR SUBORDINATED OBLIGATIONS; AMENDING SECTION 28-2-202, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 28-2-208, IDAHO CODE, RELATING TO COURSE OF PERFORMANCE OR PRACTICAL CONSTRUCTION; AMENDING SECTION 28-3-103, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION; AMENDING SECTION 28-4-605, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO CORRECT A CODIFIER'S ERROR; AMENDING SECTION 28-4-606, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE A CORRECT CODE

CITATION; AMENDING SECTION 28-4-612, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE A CORRECT CODE CITATION; AMENDING SECTION 28-5-103, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION; AMENDING SECTION 28-12-103, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 28-12-207, IDAHO CODE, RELATING TO COURSE OF PERFORMANCE OR PRACTICAL CONSTRUCTION; AMENDING SECTIONS 28-12-501, 28-12-518, 28-12-519, 28-12-527 AND 28-12-528, IDAHO CODE, TO PROVIDE CORRECT CODE CITATIONS; AMENDING SECTION 28-50-103, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 28-50-116, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION.

S 1229

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGULAR QUARTERLY MEETINGS OF THE FISH AND GAME COMMISSION.

S 1230

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-2204, IDAHO CODE, TO PROVIDE THAT THE IDAHO FISH AND GAME COMMISSION MAY SPECIFY SIGNAGE REQUIREMENTS FOR SHOOTING PRESERVE BOUNDARIES BY RULE; AND AMENDING SECTION 36-2205, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY SPECIFY MARKING REQUIREMENTS FOR ARTIFICIALLY PROPAGATED UPLAND GAME BIRDS RELEASED ON SHOOTING PRESERVES BY RULE.

S 1227, S 1228, S 1229, and S 1230 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1218 and **S 1219**, by Finance Committee, were read the second time at length and filed for third reading.

S 1215, by Health and Welfare Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:30 a.m., Tuesday, January 27, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary